

Tennessee Department of Finance and Administration

Bureau of TennCare

Chapter 1200-13-01
General Rules

Statement of Necessity Requiring Public Necessity Rules

I am herewith submitting amendments to the rules of the Tennessee Department of Finance and Administration, Bureau of TennCare, for promulgation pursuant to the public necessity provisions of the Uniform Administrative Procedures Act, T.C.A. § 4-5-209.

Pursuant to T.C.A. § 4-5-209(a)(3), the Commissioner is authorized to promulgate public necessity rules when these rules are required by an agency of the federal government and adoption of the rules through ordinary rulemaking procedures might jeopardize the loss of a federal program or funds.

Non-compliance with federal Freedom of Choice requirements set forth at Section 1902(a)(23) of the Social Security Act (42 U.S.C.A. § 1396a(a)(23)) has resulted in the termination of the Home and Community Based Services Waiver for the Elderly and Disabled in Shelby County (CMS control number 0062.90.R3.01), effective December 19, 2007. To continue operation of the Shelby County Waiver Program in the absence of CMS approval would mean the loss of federal funds that go with such approved waiver for the provision of HCBS to these enrollees. In order to prevent the loss of federal funds, the Bureau of TennCare hereby proceeds pursuant to T.C.A § 4-5-209(a)(3) to adopt these public necessity rules. Transition of all Shelby County Waiver enrollees into the Statewide Elderly and Disabled Waiver Program has been completed and will ensure continuity of care with Federal Financial Participation (FFP) for HCBS provided through the Statewide Waiver Program to affected enrollees.

For a copy of this public necessity rule, contact George Woods at the Bureau of TennCare by mail at 310 Great Circle Road, Nashville, Tennessee 37243 or by telephone at (615) 507-6446.

Darin J. Gordon
Deputy Commissioner
Tennessee Department of Finance
and Administration

Public Necessity Rules
of
Tennessee Department of Finance and Administration

Bureau of TennCare

Chapter 1200-13-01
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Amendment

Rule 1200-13-01-.27 Home And Community Based Services Waiver For The Elderly And Disabled In Shelby County is deleted in its entirety.

Statutory Authority: T.C.A. 4-5-209, 71-5-105, 71-5-109, Executive Order No. 23. r

The Public Necessity rules set out herein were properly filed in the Department of State on the 28th day of December, 2007, and will be effective from the date of filing for a period of 165 days. The Public Necessity rules remain in effect through the 12th day of March, 2008. (FS 12-35-07; DBID 2800)